

EXHIBIT

A

**LUCAS COUNTY COMMON PLEAS COURT
CASE DESIGNATION**

FILED LUCAS COUNTY
06/15/2022 03:16 PM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 99533

TO: **Bernie Quilter, Clerk of Courts**

CASE NO. _____

JUDGE _____

The following type of case is being filed:

Professional Malpractice☐

Legal Malpractice (L)

☐

Medical Malpractice (M)

☐**Product Liability (B)**☒**Other Tort (C)****Workers' Compensation**☐

State Funded (D)

☐

Self Insured (K)

☐**Administrative Appeal (F)**☐**Commercial Docket**

G-4801-CI-0202202700-000

Judge

LINDA J. JENNINGS

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil☐

Consumer Fraud (N)

☐

Forfeiture

☐

Appropriation (P)

☐

Court Ordered

☐

Other Civil (H)

☐

Certificate of Title

☐

Copyright Infringement (W)

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge _____, the original Judge at the time of dismissal. The previously filed case number was CI _____.

This case is a civil forfeiture case related to a criminal case currently pending on the docket of Judge _____. The pending case number is _____.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is _____, assigned to Judge _____.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number _____ Assigned Judge _____

Approve/Deny

Date

Approve/Deny

Date

Attorney

Gressley, Kaplin & Parker, LLP

Address

One Seagate, Suite 1645

Toledo, Ohio 43604

Telephone

(419) 244-8336

FILED LUCAS COUNTY
06/15/2022 03:16 PM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 99533

IN THE COURT OF COMMON PLEAS

LUCAS COUNTY, OHIO

G-4801-CI-0202202700-000

Judge

LINDA J. JENNINGS

Benny Joe Vargas
3024 Camelot Dr.
Oregon, Ohio 43616

* Case No

* Judge

Plaintiff,

* **COMPLAINT WITH JURY DEMAND**
* **ENDORSED HEREON**

-vs-

Menard, Inc.
3100 Brown Rd.
Oregon, Ohio 43616

* Ali A. Nour (0096243)
* Gressley, Kaplin & Parker, LLP
* One SeaGate, Suite 1645
* Toledo, Ohio 43604
* Telephone: (419) 244-8336
* Facsimile: (419) 720-8504
* e-mail: anour@gkplaw.net

Also serve

Statutory Agent of Menard, Inc.
Corporation Service Company
3366 Riverside Dr., Ste. 103
Upper Arlington, Ohio 43221

* Attorney for Plaintiff

Defendant.

Now comes Plaintiff, by and through undersigned counsel, for his Complaint against

Defendant, and alleges, avers, and states as follows:

PARTIES

1. Benny Joe Vargas ("Plaintiff") is an individual residing in Oregon, Lucas County, Ohio.
2. Menard, Inc. ("Defendant") is a Wisconsin limited liability company, registered as a foreign entity in the state of Ohio, which transacts business as a home improvement company with a retail store ("Menards") in Oregon, Lucas County, Ohio.

VENUE & JURISDICTION

3. Plaintiff hereby incorporates each of the foregoing averments as if fully rewritten herein.
4. This Court has jurisdiction under R.C. § 2305, *et seq.* and Art. IV, § 04 of the Ohio Constitution as the subject matter giving rise to this cause of action occurred in Oregon, Lucas County, Ohio
5. Venue is proper under Civil Rules 3(C)(3) and (6) because Defendant operates a Menards in Oregon, Lucas County, Ohio resides in Rossford, and the claim for relief arose at Menards.

FACTUAL ALLEGATIONS

6. Plaintiff hereby incorporates each of the foregoing averments as if fully rewritten herein.
7. On June 21, 2020, Plaintiff entered the store as a business invitee to purchase concrete bricks.
8. Plaintiff left the store and entered his truck to drive to the loading dock located at the rear to retrieve the concrete bricks.
9. While at the loading dock, an unnamed Menards employee instructed Plaintiff to meet him where the concrete bricks were located.
10. An unnamed Menards employee subsequently struck Plaintiff with a forklift while Plaintiff was waiting for the concrete bricks.
11. Plaintiff suffered personal injuries and economic damages from being struck with the forklift.

COUNT I—NEGLIGENCE

12. Plaintiff hereby incorporates each of the foregoing averments as if fully rewritten herein.
13. Defendant owes a duty of care to its business invitees.

14. Defendant breached its duty of care when its unnamed employee struck Plaintiff with the forklift causing Plaintiff's personal injuries and economic damages.
15. Defendant's unnamed employee caused Plaintiff's personal injuries and economic damages when he struck Plaintiff with the forklift.
16. Plaintiff's suffering personal injuries and economic damages after being struck with the forklift was foreseeable.
17. Plaintiff suffered compensable damages after Defendant's unnamed employee struck him with the forklift.

COUNT II—DAMAGES

18. Plaintiff hereby incorporates each of the foregoing averments as if fully rewritten herein.
19. Plaintiff missed work due to his personal injuries suffered after Defendant's unnamed employee struck him with the forklift.
20. Plaintiff paid out of pocket medical costs for medical care received after Defendant's unnamed employee struck him with the forklift.

WHEREFORE, Plaintiff demands judgment against Defendant for damages in sum in excess of \$25,000.00 which it shall prove at trial, and for such other and further relief this Court deems just and proper.

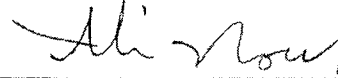
Respectfully submitted,



Ali A. Nour (0096243)
Attorney for Plaintiff

JURY DEMAND

Pursuant to Civil Rule 38(B), Plaintiff hereby demands a trial by jury on all issues so triable in this action.

A handwritten signature in black ink, appearing to read "Ali Nour", is written above a horizontal line.

Ali A. Nour
Attorney for Plaintiff

LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE:

OTHER TORT

MENARD INC
C/O STATUTORY AGENT OF MENARD INC
CORPORATION SERVICE COMPANY
3366 RIVERSIDE DR STE 103
UPPER ARLINGTON, OH 43221

G-4801-CI-0202202700-000
JUDGE: LINDA J JENNINGS

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

BENNY J VARGAS
3024 CAMELOT DR
OREGON, OH 43616

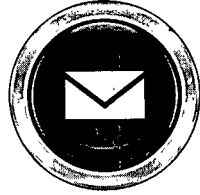
ATTORNEY FOR PLAINTIFF(S)

ALI NOUR
ONE SEAGATE SUITE 1645
TOLEDO, OH 43604

BERNIE QUILTER
CLERK OF COURTS

Date: June 16, 2022

 , Clerk



**IF YOU DO NOT HIRE AN ATTORNEY
PLEASE READ & RESPOND**

(mark one & respond)

☐

I request to be notified by email

My email address _____

Send email to: Lwatt@co.lucas.oh.us
Subject: G-4801-CI-0202202700-000
MENARD INC
Message: Your email address

OR

☐

I request to be notified by regular mail
(Clerk will forward to Court for approval)

My mailing address _____

Return this Form with your address to:
Clerk of Court
Lucas County Common Pleas Court
700 Adams
Toledo, OH 43604

**If you do NOT hire an attorney & fail to respond
you will NOT receive notification of events related to this case**

Case Information is available Online at:
www.co.lucas.oh.us/Clerk
click on the "Dockets Online" link

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.

LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE:

OTHER TORT

MENARD INC
3100 BROWN RD
OREGON, OH 43616

G-4801-CI-0202202700-000
JUDGE: LINDA J JENNINGS

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

BENNY J VARGAS
3024 CAMELOT DR
OREGON, OH 43616

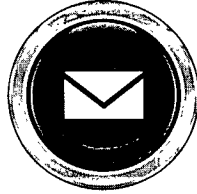
ATTORNEY FOR PLAINTIFF(S)

ALI NOUR
ONE SEAGATE SUITE 1645
TOLEDO, OH 43604

BERNIE QUILTER
CLERK OF COURTS

Date: June 16, 2022

 Clerk



**IF YOU DO NOT HIRE AN ATTORNEY
PLEASE READ & RESPOND**

(mark one & respond)

☐

I request to be notified by email

My email address _____

OR

☐

I request to be notified by regular mail
(Clerk will forward to Court for approval)

My mailing address _____

Send email to: Lwatt@co.lucas.oh.us
Subject: G-4801-CI-0202202700-000
MENARD INC
Message: Your email address

Return this Form with your address to:
Clerk of Court
Lucas County Common Pleas Court
700 Adams
Toledo, OH 43604

**If you do NOT hire an attorney & fail to respond
you will NOT receive notification of events related to this case**

Case Information is available Online at:
www.co.lucas.oh.us/Clerk
click on the "Dockets Online" link

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.